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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
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3 UNITED STATES OF AMERICA,

4 v.

18 CR 14 (VM)

5 VINCENT ESPOSITO,  
6 STEVEN ARENA,  
7 FRANK GIOVINCO,  
FRANK COGNETTA,  
VINCENT D'ACUNTO, JR.,

8 Defendants.

CONFERENCE

9 -----x

10 New York, N.Y.  
11 January 26, 2018  
12 11:30 a.m.

13 Before:

14 HON. VICTOR MARRERO,

District Judge

15  
16 APPEARANCES

17 GEOFFREY S. BERMAN,  
18 Interim United States Attorney for the  
Southern District of New York

19 JARED P. LENOW

KIMBERLY J. RAVENER

20 JASON M. SWERGOLD

Assistant United States Attorneys

21 ELIZABETH E. MACEDONIO

22 FLORA EDWARDS

Attorneys for Defendant Esposito

23 SALVATORE E. STRAZZULLO

24 Attorney for Defendant Arena

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APPEARANCES (continued)

RICHARD A. LIBRETT

Attorney for Defendant Giovinco

JOSEPH R. COROZZO

Attorney for Defendant Cagnetta

MICHAEL HANDWERKER

Attorney for Defendant D'Acunto

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1           THE COURT: This is a proceeding in the matter of  
2 United States v. Esposito and others; it's docket number.  
3 18 CR 0014.

4           Counsel, please enter your appearances for the record.

5           MS. RAVENER: Good morning, your Honor.

6           Kimberly Ravener, Jason Swergold, and Jared Lenow for  
7 the government.

8           MS. MACEDONIO: Good morning, your Honor.

9           Elizabeth Macedonio and Flora Edwards for  
10 Mr. Esposito.

11          MR. LIBRETT: Good morning, Judge.

12          Richard A. Librett for defendant Frank Giovinco.

13          MR. STRAZZULLO: Good morning, your Honor.

14          Sal Strazzullo on behalf of Mr. Arena.

15          MR. COROZZO: Good morning, your Honor.

16          On behalf of Mr. Cagnetta, Joseph Corozzo.

17          MR. HANDWERKER: Good morning, your Honor.

18          On behalf of Mr. D'Acunto, Jr., Michael Handwerker.

19          THE COURT: The Court notes the presence of the  
20 defendants in the matter.

21          This is the defendants' first appearance before this  
22 Court following their arraignment on the underlying indictment.

23          Ms. Ravener, would you bring the Court up to date on  
24 the government's discovery obligations and any scheduling  
25 matters or other questions that the government may have for the

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1 Court.

2 MS. RAVENER: Certainly, your Honor.

3 The government has been in contact with all defense  
4 counsel regarding the preparations to prepare -- excuse me, to  
5 produce discovery. The discovery in this case is going to be  
6 voluminous; we've asked for one terabyte drives from defense  
7 coin so that we can adequately make our productions to them.

8 We've also asked for the entry of a protective order,  
9 which, as of our conversations immediately prior to the  
10 conference, we've confirmed defense counsel would consent to.  
11 I have a copy of a proposed protective order for the Court's  
12 consideration which we can hand up today. We would wait for  
13 the entry of the protective order before making production of  
14 fulsome discovery.

15 We have made some limited discovery productions to  
16 Mr. Esposito's counsel in advance of his bail application.

17 THE COURT: Has the protective order been approved by  
18 all the counsel?

19 MS. RAVENER: Yes, your Honor.

20 THE COURT: You may hand it up.

21 MS. RAVENER: Thank you.

22 THE COURT: Ms. Ravener, under the circumstances, what  
23 is the government's best estimate of the date by which  
24 discovery will have been completed?

25 MS. RAVENER: Your Honor, I believe that the bulk of

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1 the discovery will be with the defendants within the next two  
2 weeks. The exception to that is that in connection with the  
3 takedown of this case, we searched two premises, a union office  
4 and Mr. Esposito's home. Substantial records and electronic  
5 devices were seized from those searches. In particular, the  
6 electronic devices have not yet been thoroughly searched. So  
7 it will take us some time to complete those searches, and we  
8 will make productions on a rolling basis as soon as we receive  
9 the results.

10 THE COURT: Thank you.

11 Any of the defendants through counsel wish to add  
12 anything to what the government has said?

13 Hearing no request for any further statements,  
14 Ms. Ravener, what is the government's contemplation with  
15 regards to a follow-up conference?

16 MS. RAVENER: Based on consulting with defense counsel  
17 and their estimates of how much time they would like in order  
18 to review the discovery, your Honor, we understand that they  
19 would like to set up the next date in about mid May. The  
20 government has no objection to that.

21 MS. MACEDONIO: Your Honor, I've consulted with your  
22 courtroom deputy and my co-counsel. We understand that May  
23 18th at 11 o'clock is a convenient time for the Court.

24 THE COURT: Ms. Ravener, is there a government motion  
25 on that schedule?

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1 MS. RAVENER: Yes, your Honor.

2 The government would move to exclude time under the  
3 Speedy Trial Act in order to allow the parties to produce and  
4 review discovery and prepare for the possibility of any  
5 discussions relating to a disposition in this case.

6 THE COURT: All right. Thank you.

7 On the government's motion to exclude adjourned time  
8 from speedy trial calculations -- any objections from any  
9 defendant?

10 MS. MACEDONIO: No, your Honor.

11 MR. STRAZZULLO: No your Honor.

12 MR. LIBRETT: No, your Honor.

13 MR. COROZZO: No, your Honor.

14 THE COURT: Hearing none, the motion is granted.

15 I find that the reasons conveyed to the Court warrant  
16 this exclusion of time, as it is intended to ensure the  
17 effectiveness of counsel and prevent any miscarriage of  
18 justice.

19 The Court is satisfied that the ends of justice served  
20 by the granting of this continuance outweigh the best interests  
21 of the public and the defendants in a speedy trial.

22 This order of exclusion of time is entered pursuant to  
23 the provisions of the Speedy Trial Act, Title 18, U.S.C.,  
24 Sections 3161(h)(7)(B)(ii) and (iv).

25 Anything else from the government?

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MS. RAVENER: No, your Honor.

THE COURT: Anything from defense?

MR. HANDWERKER: Judge, I have something.

Michael Handwerker on behalf of Vincent D'Acunto, Jr.

We spoke with the government. They are consenting to an enlargement of my client's bail limitations to include the District of New Jersey.

THE COURT: Ms. Ravener.

MS. RAVENER: Yes, your Honor. We understand that the basis for that is in order to allow him to attend medical appointments, and so we have no objection.

MR. HANDWERKER: Yes, Judge. His cardiologist is there, I have an office there, he has extended family in New Jersey.

THE COURT: The Court will approve the request for extension of the bail conditions to encompass the District of New Jersey.

MR. HANDWERKER: Thank you, Judge.

THE COURT: If there is nothing else, I thank you.  
Have a good day and a good weekend.

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